

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: MALLINCKRODT PLC, <i>et al.</i>	:	Chapter 11 Bankruptcy Case No. 20-12522 (JTD)
Debtors.	:	
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CITY OF ROCKFORD, <i>et al.</i>	:	
Appellants,	:	
v.	:	C. A. No. 21-268-LPS
MALLINCKRODT PLC, <i>et al.</i>	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this **23rd** day of **March, 2021**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

In late February-early March, the parties to this appeal provided a joint response

to this Court's Order of February 24, 2021 regarding mandatory mediation for Bankruptcy Court appeals.¹ Appellees and Appellants are in agreement that this appeal is not appropriate for mandatory mediation since it involves primarily legal issues. One issue is whether Arnold & Porter Kaye Scholer LLP, who was named as an Appellee to this proceeding, along with the Debtors is an appropriate appellee. The Parties met and conferred on whether mediation efforts would be productive, and jointly request that due to the nature of the relief granted by the Bankruptcy Court and the issues on appeal that this matter be removed from mandatory mediation.

The Parties further request that the following briefing schedule be entered:

Appellants' Opening Brief	May 14, 2021
Debtors and Arnold & Porter Kaye Scholer LLP Answering Brief	June 14, 2021
Appellants Reply Brief	June 29, 2021

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 are anticipated since it is consistent with the Parties' request.

¹ Consistent with this Court's order, the Parties responsive letter was not docketed.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng

Chief U.S. Magistrate Judge Mary Pat Thyng